

## 2nd Sub. S.B. 175

# PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY

HOUSE FLOOR AMENDMENTS

AMENDMENT 9

MARCH 1, 2004 10:20 AM

Representative **Scott Daniels** proposes the following amendments:

1. *Page 9, Line 272*

*House Committee Amendments*

*2-25-2004:*

272 (a) is criminally responsible for the conduct giving rise to the forfeiture , subject to Subsection (4) ;

2. *Page 10, Line 277:*

277 (d) acquired the property ~~[[with reason to believe]]~~ knowing the property was subject to forfeiture

3. *Page 10, Line 300:*

300 or by operation of law.]

(4) If the state relies on Subsection (2)(a) to establish that a person is not an innocent owner or interest holder, and if the owner or the interest holder is criminally charged with the conduct giving rise to the forfeiture and is acquitted of that charge on the merits:

(a) the property subject to the forfeiture or the value of the property, if the property has been disposed of under Subsection 24-1-7(15), shall be returned to the owner or interest holder; and

(b) any payments required under this chapter regarding holding the property shall be paid to the owner or interest holder.

4. *Page 10, Line 301 through Page 11, Line 310:*

301 ~~[(6)]~~ ~~[[~~(4)~~]]~~ (5) No owner may assert, under this [paragraph] section, an ownership interest in  
\* \* \* *Some lines not shown* \* \* \*

303 ~~[[~~(5)~~]]~~ (6) Property is presumed to be subject to forfeiture under this chapter if the prosecuting  
\* \* \* *Some lines not shown* \* \* \*

310 ~~[[~~(6)~~]]~~ (7) A finding that property is the proceeds of conduct giving cause for forfeiture does